

ESTABLISHED 1823.

INDIANAPOLIS, SATURDAY MORNING, OCTOBER 19, 1889.

PRICE FIVE CENTS.

Cleveland, Cincinnati,
Chicago & St. Louis.

BIG 4

FAST TRAINS.

A prominent railway man is interviewed in the News of Thursday. He compares the railways entering Indianapolis with a fantastically high rate of speed. Let's see if his charges can be substantiated by facts. We will take the Big 4, using the actual mileage used in reaching prominent points, to which they are the fastest lines. To New York is 905 miles, running time, 27 hours, or 33 1/2 miles per hour. Boston, 461 miles, running time, 29 hours, about 33 miles per hour. The fastest train out of Indianapolis is our No. 4, daily, 2:45 p. m., for Cincinnati and the East. This train makes 27 miles an hour, and the heavy steel rail, rock ballast, solid, safety-equipped rolling stock, would warrant perfect safety at a much higher rate of speed. Chicago is 190 miles; on our fast train leaving daily, 11:10 a. m., the run is made in 5 hours and 50 minutes, or at a speed of less than 33 miles per hour. Our fast train to St. Louis has schedules of less than 37 miles per hour. Look at longer distances. West to St. Paul, 593 miles, 29 hours, 20 miles per hour. Omaha, 675 miles, 25 hours, 27 miles per hour. Denver, 1140 miles, 43 hours, less than 27 miles an hour. San Francisco, 2174 miles, 4 1/2 days, or less than 23 miles an hour. Portland, Ore., 2450 miles, 4 1/2 days also, less than 23 miles an hour. Compared with time made some years ago, this seems fantastically fast, but it is only 28 miles an hour. The high-sounding names, indicating lightning speed, and the bluffs of roads at each other, is a mere promise. The railway men lose sight of the old adage, "There's nothing in a name," etc.

The Fast Limited, the Southwestern Limited, the Cannon Ball, the Flyer, the Flying Hoosier, the Get There Hill, the Get Well, the Cyclone and the P. V.—Fast Flying Virginians—are not always what they seem. They are not always a locomotive of the service without in any manner jeopardizing the safety of their passengers. As to the providing of comfort and even luxury in passenger equipment to which P. V. is an object, the Big Four please guilty of leading, no use to deny. Our train would deny our denial. We are proud of our guilt. The best is not too good for the patrons of the Big Four.

J. H. MARTIN, D. P. A.

SUPPORTERS
and everything in Surgical
Instruments and Appliances.
SUDLOW & MARSH, Managers, 90 1/2 E. Market St.
For Indiana, Ohio, Kentucky, Tennessee and West
Virginia for the Portland Sewing Machine and
Society of New York. Sheppard Homan's plan of
pure life insurance, unimpaired with banking,
a specialty.

GAS STOVES

1,500 now in use in this city. They
give perfect satisfaction. No kindling
required; no coal to carry; no ashes to
remove. Prices from \$2 to \$16.

GAS ENGINES.

From one-eighth horse-power up.
We sell to gas-consumers in this city
only. On exhibition and for sale at the

GAS COMPANY,

47 South Pennsylvania St.

INSURANCE DIRECTORY

Pacific Mutual Life and Accident.
SUDLOW & MARSH, Managers, 90 1/2 E. Market St.
For Indiana, Ohio, Kentucky, Tennessee and West
Virginia for the Portland Sewing Machine and
Society of New York. Sheppard Homan's plan of
pure life insurance, unimpaired with banking,
a specialty.

THE SUNDAY JOURNAL

For Oct. 20 will consist of 96 columns (16 pages),
in which will be presented

ALL THE CURRENT NEWS OF THE DAY

Particular attention being given to Indiana people
and affairs, the aim being to make it a compen-
dium of all that Indians wish to know. Lib-
eral space will also be given Important News from
other States and the world in general, and relig-
ious, commercial, labor and theatrical interests will
be fully represented. In addition, a short story,
poetry, and carefully selected miscellaneous mat-
ter, will be presented, and the following special
articles:

THE OPINIONS OF NINE MEN—Last Sunday's Jour-
nal printed letters from a number of famous women
telling what they would do if they were men. On
the 20th it will print letters from Chauncey M. De-
pew, Bob Burdette, Dr. Talmage, Joaquin Miller and
others, telling what they would do if they were women.

THE SINFULNESS OF WOMEN—A beautifully writ-
ten analysis of feminine weaknesses, from the pen of
Harriet Prescott Spofford. It is written in an appre-
ciative spirit, and will be eagerly read by both women
and men.

HOW TO SHINE IN SOCIETY—Bill Nye supplies an
inquiring Young Man with Useful Hints indicating
the proper course to pursue when associating with
upper-tendons.

The SUNDAY JOURNAL is delivered, at an early
hour, in all the cities and towns located within
150 miles of Indianapolis, and its popularity ren-
ders it, by all odds, the best advertising medium
in the State.

WHEN INDICATIONS—SATURDAY—Fair weather.

"OWED" TO THE TAILOR.

"That was a clothes call," said the youth to whom the
tailor submitted a dun.
They are "loud" clothes, so I 'loud him to take 'em, was a
tailor's excuse for trusting a dead-beat.
Hisnags—What'd you do if your tailor were to make you a
coat that suited you?
Hisnobs—I'd have a fit.
The tailor often sends home on Saturday the trousers he
promised the Monday before, but then we are accustomed to
these breeches of promise.

LADIES, LOOK IN THE WINDOW.

We want the ladies to see that seal garment that robes the
fair figure of the woman standing in our show-window.
It is the time to examine furs, if not to buy.

LADIES' AND MISSES' FINE FURS.

SEAL

Seal Garments a specialty.
NEW HATS. CORRECT STYLES.
FINE FURNISHINGS FALL UNDERWEAR.

THE WHEN

Till late to-night.

MURPHY, HIBBEN & CO

NOTION DEPARTMENT

FURS, FOR LADIES AND MISSES,

In Trimmings, Muffs, Boas, Capes.

MUFFLERS, for Men and Boys.

Clean bright styles, at right prices.

NOTORIOUS SCANDAL REVIVED.

Suit Against Stanford for \$1,221,000
That Recalls the McDonald Divorce Suit.

SAN FRANCISCO, Oct. 18.—The notorious
McDonald divorce case, with its side issue
of larceny and forgery, was revived to-day
by the big suit of Dr. R. H. McDonald,
president of the Pacific Bank, against
Senator Stanford for \$1,221,000, the alleged
value of twenty-five original certificates of
stock of the Central Pacific Railroad Com-
pany. These shares were sold to Stanford
by Young Clara Belle McDonald at the
time when her husband was pressing the
suit against her for divorce and for larceny
of his goods. She had to raise money and
she took these shares of stock to Stanford,
told him her great need money, and be-
sought him to give her \$10,000 for the
certificates. As the certificates bore Dr.
McDonald's signature, and as she told
him they were the Doctor's wedding gift
to her, Stanford paid her the money and
took the stock. It will be remembered that
Mrs. McDonald's troubles culminated when
she was arrested for stealing this stock and
forging her father-in-law's name to it. A
warrant was also issued at the same time
for the arrest of Seneca Swallow, the lover
of Clara Belle, and the man that lured her
from Swallow tried to skip to the East,
but was caught by the overland train with
\$20,000 of Mr. McDonald's money and
jewels in his possession. He actually had
the lion's share of the money which Stan-
ford had paid the woman, and which she
had converted into \$1,000 notes at the sub-
treasury. Swallow was sent to the State
prison for seven years, but most of the
time he was in the hospital, and he died
after her husband secured his divorce. The
McDonalds are now trying to secure the
jewels seized by the police in Swallow's
possession, but thus far they have failed. Dr.
McDonald tried to induce Stanford to give
up this railroad stock, but failing, he
brought suit. The only way to account for
the large value he places on the stock is
that it is the original issue, which has been
largely subdivided.

PARADISE FOR "SHARKS."

Monte Men and Thimblegriggers Reap a Rich
Harvest Among Farmers at Paoli, Ind.

Special to the Indianapolis Journal.

PAOLI, Ind., Oct. 18.—It has just devel-
oped that Abanatha Bolton, a pious farmer,
eighty-one years old, lost \$740 to the three-
card monte men at Wallace's show at this
place last Wednesday. After he had lost
the money, a tender-hearted confederate,
with great tears rolling down his cheeks,
pleaded that the old man's money might be
returned to him, as the winner had recently
come into possession of a legacy of
\$100,000. After much persuasion
the gambler consented to return the money
to the victim at the postoffice in Paoli, next
Monday, and pay the money back. Then an
"officer" of the party wrote both the
victim and the gambler to keep the secret
until that day. Bolton borrowed \$700 out
of the bank to gamble on. Bill Hyatt lost
\$130 on the three-shell racket. Jonathan
McIntosh lost \$70 in making change, and
numerous parties lost sums varying from
\$5 to \$100. The side-show "Good Luck"
was a den of robbers, thieves and cut-
throat gamblers.

"CAPTAIN KID'S PETS."

"Kids" in Reality Who Were Fodder of Incendiarism
and Obeded Orders Written in Blood.

KANSAS CITY, Oct. 18.—A large number of
small incendiary fires have occurred here
recently. The police have just finished their
investigation into the crimes, and have
discovered that the incendiaries were a
band of school boys, ranging in age from
eleven to fifteen years. They were regularly
organized, and called themselves "Captain
Kid's Pets." The members are bound by blood-
curdling oaths to not reveal the secrets of the
order, and all their plans were carried
out according to written orders signed in
blood from the arms of the young de-
scendants. The names of some of the band
are Leroy White, John Rose, Thomas Moran,
James Moran, Frank Evans and Will Brit.
Will Brit has confessed that the members
of the band were responsible for many
small fires. The leaders of the band are
under arrest.

An Ohio lady was so frightened by a snake that
her glossy black hair turned white as snow. It
was soon returned to its original color by Hall's
Hair Renewer.

RECRUITS ON PROBATION

How Secretary Proctor Hopes to Prevent
Future Desertions from the Army.

Newly-Enlisted Men to Be Given Six Days in
Which They May Consider Whether They
Wish to Take the Oath of Service.

Republicans Refused Halls for Speaking
Purposes by the Virginia Bourbons.

Congressman Cheadle Discouraged at Mahone's
Prospects—Civil-Service Law Decision
in Regard to Postal Clerks.

A REMEDY FOR DESERTIONS.

Army Recruits to Be Given Six Days for Re-
flection Before Taking the Oath.

Special to the Indianapolis Journal.

WASHINGTON, Oct. 18.—Secretary Proctor
will receive, to-morrow, the testimony
taken by the board of inquiry appointed
to ascertain, if possible, why there are so
many desertions from the army. Without
awaiting the mass of testimony as to the
causes, however, the department to-day
made the first practical step toward avoid-
ing desertions. General order No. 77,
issued this afternoon, directs that, here-
after, there shall be an interval of six days
between the day of enlistment and the day
of taking the oath. During this time the
recruit will be known as a "recruit on proba-
tion." The purpose of this innovation is
clear. The six days' interval will
give the newly-enlisted man a chance
to repent of the step he has taken before it
is too late. It will give men, also, a slight
opportunity to hear and see something of
the life that awaits him for five years of
service. Many a new recruit will be very
willing to take off his uniform before the
day comes when he takes the oath, and
thus the army is saved a desertion. Ex-
perience has proved that a large proportion
of deserters are men who regretted their
action almost immediately after en-
listment, and who are determined, from
the very outset, to desert at the first op-
portunity. By this new order the man
may leave, if he repents, without deserting,
and the army is saved an unwilling soldier
and the expense of capturing and punish-
ing him as a deserter.

The Investigation Continued.

ST. LOUIS, Oct. 18.—The board of inquiry
which has been sitting at Jefferson Bar-
racks, the army recruiting-station twelve
miles below this city, for nearly three
weeks past, to ascertain, if possible, why
there are so many desertions from the
army, has completed its labors. Over fifty
witnesses, including officers and men of all
grades, were examined, but there is a dif-
ference of opinion as to whether the
charges made by Woodward, the recruit,
regarding the treatment and food of the
men, upon which the inquiry was based,
have been fully substantiated. The testi-
mony taken makes over 300 pages of typewritten
matter, and will be ready to be
forwarded to Secretary of War Proctor, to-
morrow. Colonel Lawton will also make
a report on the sanitary condition of the
barracks.

DENIED A PLACE TO SPEAK.

Virginia Bourbons Refuse to Rent Halls to
Republicans for Campaign Purposes.

Special to the Indianapolis Journal.

WASHINGTON, Oct. 18.—Much more in-
terest just now attaches here to the cam-
paign pending in Virginia than in Ohio,
New York, or any other State, for the
reason that there are doubts as to the re-
sult in the Old Dominion, and then it is
very near the national capital, among
those who are speaking for General Ma-
honey is Representative Cheadle, of Indiana.
Mr. Cheadle takes a discouraging view of
the outlook, it seems, so far as the natural
disposition of the Bourbons are concerned.
He has written from Danville to your cor-
respondent as follows: "At Danville the
owners would not rent a theater or hall for
Republican speaking, and there is a city
ordinance prohibiting street speaking, so I
could not speak here—a city of 12,000 peo-
ple and only five white Republicans in it.
This country is sixty miles away. At
Caldwell, twenty-five miles in the country,
I held a successful meeting to-day. Demo-
crats came to hear and we made votes for
the ticket. At Caldwell I met three old
men who had voted for W. H. Harrison in
1860 and for General Ben in 1868. There are
one hundred white Republicans in that
precinct." Mr. Cheadle goes on to say that
the white Democrats are so provoked
against the negroes that they are be-
coming almost rabid, and it looks
as though a full ballot and fair count would
be impossible. Under the circumstances
it would be almost a miracle for General Ma-
honey to secure the returns from his elec-
tion.

Judge Waddill, of Henrico county, Vir-
ginia, spoke to a crowd of about 1,500 peo-
ple on Broad street, Richmond, last night,
on the methods practiced by the Democrats
to prevent the negroes from voting in the
election. In the course of his remarks he
said: "It is wrong, and unless stopped will
result in riot and bloodshed." He insisted
that negroes should be allowed to vote, and
added: "We intend to give them a chance
to vote," and added, "and furthermore, we
propose to give those who have been keep-
ing them from voting a chance to go to the
penitentiary."

CIVIL-SERVICE LAW DECISION.

Rights of Postal Clerks Who Did Not Take
the Oath of Office Before May 1.

WASHINGTON, Oct. 18.—In compliance
with the request of the President, Solicitor-
general Chapman has rendered an opinion
upon a question submitted by Civil-service
Commissioners Roosevelt and Thompson.
Under date of Sept. 24, 1889. The facts in
the case are stated as follows: On April 29,
1889, one J. M. Taylor was appointed, in the
regular way, a railway postal clerk, and
upon the same day the appointment papers
were regularly made up, executed and re-
corded, and, as is customary, were at once
forwarded to the superintendent of the
Fifth division, and notice, as well, given
Taylor. There was nothing unusual in the
method observed in the making out of the
appointment papers, neither was there any-
thing out of the usual course in connection
with the forwarding of the appointment
and the notice to the appointee. This ap-
pointment was approved by the signa-
ture of the First Assistant Postmaster-Gen-
eral on April 29. Taylor, however, did not
take the oath of office until May 1, 1889.
It so happens that on March 11, 1889,
upon the representation of the Civil-ser-
vice Commission, it was necessary, in
order to make proper arrangements there-
for, for the President to extend the time
from the expiration of the Civil-service
rules which had been amended so as to in-
clude the railway mail-service should go
into effect. Upon this state of facts the
question is asked, whether Mr. Taylor was
legally appointed on April 29, so that his
examination under the civil-service rules
is not required, or whether the time of
taking the oath of office and entrance upon
duty is decisive as to the requirements of
an examination.

The Solicitor-general finds that, under
Section 422 of the Revised Statutes, the
Postmaster-general had the right, on April
29, to appoint Taylor in the way he was ap-
pointed. His appointment at the time it
was made was, therefore, in every sense
legal and valid, and it only remains, says

the Solicitor-general, to see whether the
mere fact that he did not take the oath
required until after May 1 in any way af-
fected the completeness and finality of that ap-
pointment. The Supreme Court decision in the
case of the United States vs. Le Baron is
quoted as conclusive upon this question.
In this case the question was considered
whether a deputy postmaster's appointment
was in force at the time of his giving his
bond. It appeared that his nomination
had been confirmed by the Senate and his
commission had been signed by Presi-
dent Tyler, who shortly thereafter
died, such commission, not having been
delivered to him at the time of executing
his bond. The court held that, as from an
accident the commission failed to reach
him, his possession of the office was as law-
ful as if it were in his custody.

The Solicitor-general finds that there is no
material distinction apparent between the
case of an appointment by the President
after confirmation by the Senate and an
appointment by the Postmaster-general.
The opinion, in effect, holds that the fact
that Taylor did not take the oath of office
until after May 1, is immaterial upon the
question of his right to hold office of which
he was appointed on April 29.
It is understood that a large number of
appointments were made to the railway
mail-service just prior to May 1, and that a
large percentage of these cases the ap-
pointees were, owing to the shortness of
the time, unable to take the necessary oath,
which it has been contended would re-
voked their appointment void. The opinion
was approved by the Attorney-general.

MINOR MATTERS.

Chili Opens Its Doors to Certain Manu-
facturers—An Opportunity for Americans.

WASHINGTON, Oct. 18.—The Department
of State is officially informed that a law
has been enacted by Chili, to take effect
four months from Aug. 30, 1889, abolishing
import duties on machines and tools for the
use of agriculture, mining, trades and in-
dustries, pipes or tubes composed of copper,
brass or iron, galvanized or ungalvanized,
knees, joints, "Ts" and other such neces-
sary articles of iron or steel, wire, galvanized
or ungalvanized, up to the number 14, in-
clusive, and copper wire or insulating com-
position for transmission of electric cur-
rents; telephonic and telegraphic instru-
ments, insulators, iron or steel, pipes and
other special necessities for telegraph and
telephones; the material of iron or steel for
the permanent use of steam or horse rail-
ways and for portable railways; wheels,
axles and fellows of iron or steel for rail-
ways and the cars for portable railways,
iron in plates.

Arizona Will Apply for Statehood.

Special to the Indianapolis Journal.

WASHINGTON, Oct. 18.—"We shall make
vigorous effort to induce Congress to ad-
mit Arizona to statehood this winter, or
rather provide laws by which we may come
in some time next year," says N. O. Mur-
phy, who is the Secretary of the Territory,
and is now in Washington. "As to what
the politics of Arizona will be I do not
know. It is uncertain; but sure it is that
the Republican Congress could not do any-
thing that would tend more to make
Arizona a Republican than to admit it as a
State." Arizona will make a fight with
Yonking and Idaho to secure statehood at
this time, and it is therefore not surprising
that the prospects are that the admission to
the Union of more new States will be a feature
of the winter work.

Indiana Pensions.

Pensions have been granted to the fol-
lowing Indians:

Original Invalid—Harvey Davis, Jr., Proctor
Forest, Joseph Whitten, Jonathan Marine,
Thos. Mattox.

Reissue and Increase—Richard E. Elin, Aden
Bowers.

Increase—Joel L. Smith, Robt. W. Leckmiller,
John Freeman, Abraham Dunham, John M.
L. Chas. M. Klen, Robert R. Baldwin,
Ben. F. Hayden, Wm. Ross, Henry C. Robertson,
Abel Cook, Jas. Mumfiss, Wm. Hankins, L.
Baker.

Original Widows, etc.—Minors of Reuben G.
Smith; Alice S. Robinson, former widow of D.
W. G. Bartlett; Sarah E. widow of Thos. Long;
Jerusha, mother of Charles Seal.

Cannot Be Sent Back to Scotland.

WASHINGTON, Oct. 18.—The Solicitor of
the Treasury has given an opinion that a
woman now detained in New York on a
warrant from Scotland, as being unable to
support herself and two children, cannot be
sent back because one of the children was
born in this country when the mother was
living in New Jersey about two years ago,
and is therefore an American-born citizen.
The woman is now in the custody of the
whom, in the absence of her husband,
who has deserted her, she is the natural
guardian.

Discussed by the Maritime Conference.

WASHINGTON, Oct. 18.—Most of to-day's
session of the maritime conference was taken
up with the consideration of the interna-
tional rules, Sections 4 to 9, inclusive, be-
ing discussed. The form of a desirable
rule to cover vessels "under way" was
discussed by the delegates freely. The
general opinion was that the rule enforced
by the English courts is the best, viz: Any
vessel not fastened by anchor, at mooring
or otherwise, shall be considered under way.

General Notes.

Special to the Indianapolis Journal.

WASHINGTON, Oct. 18.—Hon. Jonas G.
Howard, of Jeffersonville, is at the Riggs
House.

Senator Voorhees has returned from a
three weeks' visit to Asheville, N. C., much
improved in health. On Saturday he goes
to Ohio on some legal business.

John P. Linder, formerly of Dayton,
O., and well known in the western part of
that State, died here yesterday.

John S. Martin, of Pennsylvania, has
been appointed chief clerk of the
Commissioner of Railroads, vice Kemper,
resigned.

To-day's bond offerings were: Common
fund \$20,000, at \$1.25; registered bonds, \$200,
\$500 and \$1,000, at \$1.25; registered four-
and-a-halfs, \$23,200 and \$8,000, at \$1.05 1/2.
All the offers were accepted.

Huffman was to-day appointed
postmaster at Campbellsburg, Washington
county, vice W. J. Prow, removed.

Dinner in Honor of M. E. Ingalls.

CINCINNATI, Oct. 18.—A dinner was given
at the Queen City Club to-night in honor
of Mr. M. E. Ingalls, in recognition of the
great services he has rendered the city.
Some broader significance was given to the
dinner by the presence, as guests, of Hon.
Chauncey M. Depew, Mr. Cornelius Vander-
bilt and Mr. H. McK. Twombly. The leading
guests comprised a hundred of the leading
citizens of Cincinnati. No limit was put
in the way of appointments for the feast.
Capt. W. P. Anderson, president, in a brief
speech indicated the purpose of the dinner.
He said that nineteen years ago Mr. Ingalls
came here an unknown young man as re-
ceiver of an insolvent railroad. He recounted
rapidly the improvement in streets, depots and
public matters in which Mr. Ingalls had
taken a leading part, and in conclusion,
on behalf of the guests, presented to Mr.
Ingalls a magnificent silver "loving cup,"
with an appropriate inscription. Mr.
Ingalls replied, accepting the honor with
evident feeling. Toasts followed, which
were responded to by Judge Sage, Murat
Halstead, William Ramsey and Hon.
Chauncey M. Depew.

Close of the Forestry Congress.

PHILADELPHIA, Oct. 18.—To-day was the
closing session of the American Forestry
Congress. Samuel Lowery, of Alabama,
the only colored man in the congress, read
an essay on "Arbor Day" in the
schools, in which he showed that the
idea of Arbor Day was now being celebrated
generally. He said the children are plant-
ing millions of trees, California taking the
lead, where Mr. Adolph Sutro has set out
100,000 trees. He said a resolution was
asked Congress to withhold public lands
from sale until the timber is old enough to
cut was adopted. Hon. James A. Beaver,
of Indiana, selected president of the
association.

This afternoon the delegates celebrated
Arbor day by going in a body to Fairmount
Park, where they planted trees and cele-
brated the occasion with songs and ad-
dresses.

RE-RATED PENSION CASES

Secretary Noble's Defense of His Posi-
tion in Relation to the Pension Bureau.

His Letter of July 24 Wherein He Took Ex-
ceptions to the Commissioner's Methods
and His Usurpation of Authority.

Annual Report of the Bureau and Rec-
ommendations of Corporal Tanner.

Defects in the Law on Disability Pensions
Pointed Out—Nearly 500,000 Pensioners
on the Roll at a Cost of Over \$38,000,000.

THOSE RE-RATED PENSIONS.

Secretary Noble's Letter, in Which He Took
Exception to Tanner's Usurpations.

Special to the Indianapolis Journal.

WASHINGTON, Oct. 18.—Secretary Noble
intends, in a few days, to give to the press
the entire report submitted by the board
appointed to investigate Commissioner
Tanner's administration of the Pension
Office. The letter which he gives for pub-
lication to-night, reviewing Tanner's re-
rating of ten employees of the Pension
Office, and reminding him that he, as Sec-
retary of the Interior, had jurisdiction over
and management of the Pension Office, is
but the first installment of what is to be a
vigorous defense of the position of the
administration taken in relation to the
management of the Pension Office under
Tanner. It has been decided that the ad-
ministration side of the case shall be given
to the public in full.

Substance of the Letter.

To the Western Associated Press.
WASHINGTON, Oct. 18.—The following is
the substance of Secretary Noble's first let-
ter to Commissioner Tanner upon the sub-
ject of re-rating of pensions:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, July 24.

To the Commissioner of Pensions:

Sir—I have heretofore acknowledged yours of
the 11th inst., marked "official," in which,
owing to the very important nature therein dis-
cussed, I could not receive as such, and there-
fore, acknowledged as an official paper. The
paper was official in the highest sense of the
word, raising a question of authority as between
the Commissioner and Secretary, and asserting
that of the Commissioner. I have since, and many
other duties, found time to consider the ques-
tion raised by your letter, and will now give you
my reply in full.

Your position, in your own language, is that
while the Secretary of the Interior has the
power to reverse the decision of the Commis-
sioner of Pensions on appeal by a claimant
against whom the Commissioner has decided, on
the other hand, if for any reason it be held that
the claimant has been granted too much pen-
sion, the Commissioner himself is the only per-
son who has the power to call a halt and reduce
the pension. This is your own statement. You
have this conclusion on Sec. 4, act of June 21,
1879, which reads as follows:

"That Sections 4771, 4772 and 4773 of the Re-
vised Statutes of the United States, providing
for biennial examinations of pensioners, are
hereby repealed; provided, that the Commis-
sioner of Pensions shall have the same power as
heretofore to order special examinations when-
ever, in his judgment, the same may be neces-
sary, and to increase or reduce pensions accord-
ing to the results of such examinations; and to
right and justice; but in no case shall a pen-
sion be withdrawn or reduced except upon
notice to the pensioner and his hearing upon
sworn testimony, except as to the certificate of
the examining surgeons."

The power granted to the Commissioner of
Pensions by this section is expressly no greater
than heretofore, and it is to increase or reduce
pensions according to the results of such exam-
inations, as you express it, "a manifest incon-
gruity" if the Secretary, who is responsible for
your bureau, had no power to call a halt, if his
inferior officer did not act, nothing could be done.
You remark yourself, "This incongruity should
be remedied at the next session of Congress."
The Commissioner is laboring under
great misapprehension as to his
relations to the Secretary in this
business. Congress has not committed this in-
congruity, and it will not be necessary for it to
remedy anything that now exists. The Secretary
has the control to correct any abuses in the Bu-
reau of Pensions or any other bureau in the
Department. I might assert my conclusions on so
plain and well settled a question and so leave it,
but a due consideration for your office leaves me
to explain the ground on which this long-
established rule rests.

The Secretary, in support of his position,
quotes Sections 487, 491, 494, 495 and 497 of
the Revised Statutes of the United States, and
the Commissioner of Pensions has no more
power in the section quoted in Commis-
sioner Tanner's letter than the Commissioner
has in the section quoted in the Secretary's
letter. The Secretary has no power to re-rate
pensions, and the Commissioner has no power
to re-rate pensions.

It will not do to say that the Secretary may not
interfere and stop by his own power the execu-
tion of any order obviously illegal and arbit-
rary. If it were attempted by a Commissioner
of Pensions, in other than cases of permanent
specific disability, to increase pensions and to
allow the accumulated increase of ten or fifteen
years to be paid over at once and in a gross sum
to the applicant, it would not do to say that the
Secretary could not prevent this. The Secretary
is bound to see that the law is enforced, that
the public Treasury is not unlawfully invaded, and
that no pensioner is entitled to a right